

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Carlo Vescovi	Team: Squad #14	CCRB Case #: 202004819	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 02/01/2020 4:00 PM	Location of Incident: Near Sedgewick Avenue and Cedar Avenue	Precinct: 46	18 Mo. SOL 8/1/2021	EO SOL 3/18/2022	
Date/Time CV Reported Thu, 06/18/2020 10:52 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 06/18/2020 10:52 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. PO Christopher Chin	20543	958402	046 PCT
2. SGT Eloise Walter	00588	956327	046 PCT
3. POM Eric Bernard	19619	958308	046 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SGT Eloise Walter	Abuse: Sergeant Eloise Walter stopped § 87(2)(b)	
B.SGT Eloise Walter	Abuse: Sergeant Eloise Walter stopped § 87(2)(b)	
C.PO Christopher Chin	Abuse: Police Officer Christopher Chin stopped § 87(2)(b)	
D.PO Christopher Chin	Abuse: Police Officer Christopher Chin stopped § 87(2)(b)	
E.POM Eric Bernard	Abuse: Police Officer Eric Bernard stopped § 87(2)(b)	
F.POM Eric Bernard	Abuse: Police Officer Eric Bernard stopped § 87(2)(b)	
G.SGT Eloise Walter	Abuse: Sergeant Eloise Walter searched § 87(2)(b)	
H.SGT Eloise Walter	Abuse: Sergeant Eloise Walter frisked § 87(2)(b)	
I.POM Eric Bernard	Abuse: Police Officer Eric Bernard frisked § 87(2)(b)	
J.SGT Eloise Walter	Abuse: Sergeant Eloise Walter refused to provide his shield number to § 87(2)(b)	
K.PO Christopher Chin	Abuse: Police Officer Christophe Chin refused to provide his shield number to § 87(2)(b)	
L.POM Eric Bernard	Abuse: Police Officer Eric Bernard refused to provide his shield number to § 87(2)(b)	
M.SGT Eloise Walter	Abuse: Sergeant Eloise Walter refused to provide her name to § 87(2)(b)	
N.POM Eric Bernard	Abuse: Police Officer Eric Bernard refused to provide his name to § 87(2)(b)	
O.PO Christopher Chin	Abuse: Police Officer Christopher Chin refused to provide his name to § 87(2)(b)	
P.SGT Eloise Walter	Abuse: Sergeant Eloise Walter failed to provide § 87(2)(b) with a business card.	

Officer(s)	Allegation	Investigator Recommendation
Q.SGT Eloise Walter	Abuse: Sergeant Eloise Walter failed to provide § 87(2)(b) with a business card.	
R.PO Christopher Chin	Abuse: Police Officer Christopher Chin failed to provide § 87(2)(b) with a business card.	
S.PO Christopher Chin	Abuse: Police Officer Christopher Chin failed to provide § 87(2)(b) with a business card.	
T.POM Eric Bernard	Abuse: Police Officer Eric Bernard failed to provide § 87(2)(b) with a business card.	
U.POM Eric Bernard	Abuse: Police Officer Eric Bernard failed to provide § 87(2)(b) with a business card.	
§ 87(4-b), § 87(2)(g)		
§ 87(4-b), § 87(2)(g)		
§ 87(4-b), § 87(2)(g)		

Case Summary

On June 18th, 2020, § 87(2)(b) filed this complaint with the CCRB via phone on behalf of himself and his friend, § 87(2)(b).

On February 1st, 2020, at approximately 4:00pm, § 87(2)(b) and § 87(2)(b) were returning from a trip to McDonalds near Sedgewick Avenue and Cedar Avenue in the Bronx. § 87(2)(b) and § 87(2)(b) were allegedly stopped by Sergeant Eloise Walter, Police Officer Christopher Chin, and Police Officer Eric Bernard of the 46th Precinct (**Allegation A-F: Abuse of Authority, § 87(2)(g)**). Sgt. Walter allegedly searched § 87(2)(b)'s jacket pockets, his center hoodie pocket, and the left pocket of his sweatpants and frisked him (**Allegation G, Allegation H: Abuse of Authority, § 87(2)(g)**). PO Bernard allegedly frisked § 87(2)(b) (**Allegation I: Abuse of Authority, § 87(2)(g)**). § 87(2)(b) asked, "What's your badge number officer? What's your badge number officer?" and Sgt. Walter and PO Chin ignored his request and refused to provide § 87(2)(b) with their shield numbers (**Allegation J, Allegation K: Abuse of Authority, § 87(2)(g)**). PO Bernard also allegedly refused to provide § 87(2)(b) with his shield number (**Allegation L: Abuse of Authority, § 87(2)(g)**). Sgt. Walter, PO Chin, and PO Bernard allegedly refused to provide § 87(2)(b) with their names (**Allegation M, Allegation N, Allegation O: Abuse of Authority, § 87(2)(g)**). After the stop concluded, Sgt. Walter, PO Chin, and PO Bernard allegedly failed to provide § 87(2)(b) or § 87(2)(b) with a business card (**Allegation P-U: Abuse of Authority, § 87(2)(g)**). Officers released § 87(2)(b) and § 87(2)(b) from the scene within five minutes. No arrests or summons resulted from this incident.

§ 87(4-b), § 87(2)(g)

No summonses or arrests resulted from this incident.

§ 87(4-b), § 87(2)(g) § 87(2)(b) provided the investigation with cell phone footage, the relevant aspects of which are discussed below.

Findings and Recommendations

Allegation (A) Abuse of Authority: Sergeant Eloise Walter stopped § 87(2)(b)
Allegation (B) Abuse of Authority: Sergeant Eloise Walter stopped § 87(2)(b)
Allegation (C) Abuse of Authority: Police Officer Christopher Chin stopped § 87(2)(b)
Allegation (D) Abuse of Authority: Police Officer Christopher Chin stopped § 87(2)(b)
Allegation (E) Abuse of Authority: Police Officer Eric Bernard stopped § 87(2)(b)
Allegation (F) Abuse of Authority: Police Officer Eric Bernard stopped § 87(2)(b)
Allegation (G) Abuse of Authority: Sergeant Eloise Walter searched § 87(2)(b)
Allegation (H) Abuse of Authority: Sergeant Eloise Walter frisked § 87(2)(b)
Allegation (I) Abuse of Authority: Police Officer Eric Bernard frisked § 87(2)(b)
Allegation (P) Abuse of Authority: Sergeant Eloise Walter failed to provide § 87(2)(b) with a business card.
Allegation (Q) Abuse of Authority: Sergeant Eloise Walter failed to provide § 87(2)(b) with a business card.
Allegation (R) Abuse of Authority: Police Officer Christopher Chin failed to provide § 87(2)(b) with a business card.
Allegation (S) Abuse of Authority: Police Officer Christopher Chin failed to provide § 87(2)(b) with a business card.
Allegation (T) Abuse of Authority: Police Officer Eric Bernard failed to provide § 87(2)(b) with a business card.
Allegation (U) Abuse of Authority: Police Officer Eric Bernard failed to provide § 87(2)(b)

§ 87(2)(b) **with a business card.**

§ 87(2)(b) testified (BR 01) that at approximately 4:00pm on February 1st, 2021, he and § 87(2)(b) were returning home from McDonald's. § 87(2)(b) was wearing a black trench coat over hoodie and sweatpants. Sgt. Walter, PO Chin, and PO Bernard stopped § 87(2)(b) and § 87(2)(b) on the near the intersection of Sedgewick Avenue and Cedar Avenue in the Bronx. Sgt. Walter immediately searched all four of § 87(2)(b)'s coat pockets, his hoodie pocket, and the left pocket of his sweatpants. § 87(2)(b) asked why Sgt. Walter was searching his person, at which point an officer responded that there was a robbery nearby and that § 87(2)(b) resembled a suspect. Sgt. Walter and PO Bernard then allegedly frisked § 87(2)(b) down his legs, near his crotch, and on his upper body. § 87(2)(b) did not know if any officers searched or frisked § 87(2)(b). Officers left approximately five minutes later without issuing § 87(2)(b) or § 87(2)(b) a summons. § 87(2)(b) did not know what if any interaction § 87(2)(b) had with the officers. § 87(2)(b) did not know if any officers frisked § 87(2)(b). § 87(2)(b) declined to provide any contact information for § 87(2)(b) who remained unavailable to the investigation.

§ 87(2)(b) provided the investigation with a 29-second-long video capturing the aftermath of the alleged stop (BR 02). At 0:05 on the player timestamp, § 87(2)(b) is captured stating, "Y'all just unlawfully searched me," while pointing the camera at PO Bernard, PO Chin, and Sgt. Walter as they return to their police vehicle after the alleged stop, frisk, and search. None of these actions are explicitly captured, as § 87(2)(b) had only begun recording at this point in the incident.

Sgt. Walter testified (BR 03) that she had no recollection of the incident. Sgt. Walter did not recall stopping § 87(2)(b) or § 87(2)(b) nor did she have any memory of conducting any street stops involving a black male individual on the date of the incident. Sgt. Walter did not recall frisking or searching § 87(2)(b). Sgt. Walter did not recall responding to a robbery on the date of the incident. Sgt. Walter could not recall if she provided § 87(2)(b) or § 87(2)(b) with a business card. Sgt. Walters testified that officers are required to provide a business card upon request and at the conclusion of any stop in lieu of a summons or arrest.

PO Bernard testified (BR 04) that he had no independent recollection of this incident. PO Bernard did not recall if he, PO Chin, or Sgt. Walter conducted a street stop on the date of the incident. PO Bernard did not recall if he, PO Chin, or Sgt. Walter conducted a frisk or a search of § 87(2)(b) on the date of the incident. PO Bernard did not remember responding to a robbery on the date of the incident. PO Bernard could not recall if he, PO Chin, or Sgt. Walter provided § 87(2)(b) or § 87(2)(b) with a business card at the conclusion of the incident. PO Bernard testified that business cards are to be issued during a street stop, any frisk, and upon a civilian's request.

PO Chin testified (BR 05) that he had no independent recollection of the incident. PO Chin did not recall if he, PO Bernard, or Sgt. Walter conducted a street stop on the date of the incident. PO Chin could not recall if he, PO Bernard, or Sgt. Walter conducted a frisk of § 87(2)(b) on the date of the incident. PO Chin did not recall if Sgt. Walter conducted a search of § 87(2)(b)'s person. PO Chin did not conduct a search of § 87(2)(b). PO Chin did not remember responding to or investigating a robbery on the date of the incident. PO Chin could not recall if he or any other officers provided § 87(2)(b) or § 87(2)(b) with a business card at the conclusion of the incident. PO Chin testified that business cards are to be issued during a street stop or upon a civilian's request.

Requests to DAO for a Stop Report (UF-250) and for a precinct stop log yielded negative results (BR 06). A request to the IAB CCRB Liaison Unit for a warrant audit yielded negative results (BR 14).

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation (J) Abuse of Authority: Sergeant Eloise Walter refused to provide her shield number to § 87(2)(b)

Allegation (K) Abuse of Authority: Police Officer Christopher Chin refused to provide his shield number to § 87(2)(b)

§ 87(2)(b) testified that after Sgt. Walter frisked and searched him, he began recording on his phone. § 87(2)(b) then asked all three officers for their shield numbers and names.

In § 87(2)(b)'s cell phone video, § 87(2)(b) audibly asks, "What's your badge number, officer? What's your badge number, officer?" at 0:10 on the player timestamp. It is not clear if § 87(2)(b) is directing at a specific officer, but all three officers are within a single car length away or even closer to § 87(2)(b) who is nearly shouting. Sgt. Walter and PO Chin return to their police vehicle and leave the incident location. At no point do Sgt. Walter or PO Chin provide § 87(2)(b) with their shield numbers, despite § 87(2)(b) asking for it a total of five times in a span of 20 seconds.

Sgt. Walter did not recall if § 87(2)(b) asked her for her name or her shield number. Sgt. Walter did not recall refusing to provide her name or shield number but testified that she always provides her name upon request. During her CCRB interview, Sgt. Walter was shown the video § 87(2)(b) provided in which he is captured asking officers for their names. Sgt. Walter acknowledged that § 87(2)(b) appears to ask for officers' shield numbers and she testified that perhaps she provided it to § 87(2)(b) earlier in the incident.

PO Chin could not recall if he refused to provide § 87(2)(b) with his shield number during the incident. § 87(2)(b)'s video did not refresh PO Chin's recollection as to refusing to provide his shield number. PO Chin had no recollection of providing § 87(2)(b) with his shield number during the incident.

NYPD Patrol Guide, Procedure 203-09 (BR 07) states that members of service must courteously and clearly state their names, shield numbers, and commands, or otherwise provide them, to anyone who requests they do so.

§ 87(2)(g)

Allegation L: Abuse of Authority: Police Officer Eric Bernard refused to provide his shield number to § 87(2)(b)

Allegation M: Abuse of Authority: Sergeant Eloise Walter refused to provide her name to § 87(2)(b)

Allegation N: Abuse of Authority: Police Officer Eric Bernard refused to provide his name to § 87(2)(b)

Allegation O: Abuse of Authority: Police Officer Christopher Chin refused to provide his name to § 87(2)(b)

§ 87(2)(b) testified that after he began filming, he asked for officers' names in addition to their shield numbers. As § 87(2)(b) asked for officers' shield numbers, PO Bernard stated something, but § 87(2)(b) could not remember or hear exactly what it was.

At 0:15 on the player timestamp of § 87(2)(b)'s video, PO Bernard is captured stating an unintelligible combination of numbers. At no point in the video does § 87(2)(b) ask officers for their names.

PO Bernard initially testified that he had no recollection of refusing to provide his shield number to § 87(2)(b). After reviewing the footage, PO Bernard testified that it appeared as though

he did in fact provide his shield number to § 87(2)(b) at the 0:15 on the player timestamp. PO Bernard did not recall himself or any other officers on scene refusing to provide § 87(2)(b) with their name.

NYPD Patrol Guide, Procedure 203-09 states that members of service must courteously and clearly state their names, shield numbers, and commands, or otherwise provide them, to anyone who requests they do so.

§ 87(2)(g)

§ 87(2)(g)

§ 87(4-b), § 87(2)(g)

Civilian and Officer CCRB Histories

- § 87(2)(b)

